

FILED

APR 13 2018

In The United States District Court
For The Western District Of Texas
Waco Division

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

Juan Javier Ornelas

TDCJ-CID # 01758617

Case no.

W-18-CV-056

v.

Memorandum

Alexander Hamilton

Additional Facts

Memorandum- Additional Facts

Juan Javier Ornelas hereby declares:

1) In April of 2016 on the Boyd Unit I sent Mr. Hamilton several I-60's (letters) reporting to him that I was being physically and sexually abused by another prisoner and requesting his assistance. Copies of these I-60's were given to (Lt.) Salvador Villanueva to be given to officer Leontyne Haynes on the Eastham Unit on February 8, 2017. This was witnessed by Andrew Gastler, a TDCJ- State Counsel For Offenders lawyer. Ms. Haynes later refused to give me my I-60's back - stating that she placed them with her OPI investigation.

Documented:

A) on a typed and signed letter from Andrew Gastler.

B) in my TDCJ-CID Safe Prisons PREA records - OPI of February 8, 2017 by Leontyne Haynes.

2) Mr. Hamilton ignored my reports of abuse and requests for help, and I continued to be abused by James Brown who repeatedly forced me to perform oral sex on him and punched me in the head when I refused to do it. He also anal raped me twice. I reported all of this to Mr. Hamilton and begged him for his assistance' but he continued to ignore my reports.

3) I did not want to report my abuse to any other Boyd Unit official because officers there were telling other prisoners that I was a snitch for the OIG (Mr. Hamilton). But I did speak with the Mental Health Department there' and on April 15, 2016 I informed them that I feared for my safety and wanted to be placed in Safekeeping.

Documented:

A) in my Medical / Mental Health records by Veronica Shelton.

4) On April 24, 2016 on the Boyd Unit' James Brown attacked me and punched me repeatedly to the face, head and body. I was then placed in lock-up'. I asked for a grievance but was told that I was getting a disciplinary case, not a grievance. I then received disciplinary case # 20160253174 for allegedly fighting.

5) On May 3, 2016 on the Boyd Unit' I was found Not Guilty of fighting after evidence showed that James Brown attacked and assaulted me.

Documented:

A) on my Disciplinary Report and Hearing Record Form I-47 MA Case # 20160253174.

6) I was then returned to General Population on the Boyd Unit where I continued to be threatened and sexually harassed. Mr. Hamilton continued to ignore my reports.

7) Around this time (early May of 2016) I submitted an I-60 to Boyd Unit's Medical Department and requested to be tested for HIV and Hep'C because when I was anal raped I bled a lot and I was worried about catching an STD.

Documented:

A) on Lab Data Imported from UTMB - Lab System.

8) On May 16, 2016 on the Boyd Unit' I was removed from General Population by officer Benny H. Boykin due to him receiving threats of more violence made toward me. An OPI (Offender Protection Investigation) was conducted and I was coerced into writing a statement. I was instructed to use the assault of April 24, 2016 and was instructed on how to word my statement. I requested a Unit Transfer to Safekeeping to remedy my problem' and was immediately assigned to the administration building PHD 06 cell under OPI status - pending OPI transfer.

Documented:

A) in my TDCJ-CID Safe Prisons PREA records - OPI of May 16, 2016 by Benny H. Boykin.

9) On May 17, 2016 on the Boyd Unit' I was falsely charged with possession of a weapon that was found in General Population. Officer Benny H. Boykin repeatedly tried to pressure me into writing a statement claiming ownership of the weapon. He stated that the weapon could be my ticket off the unit, and he explained that TDCJ State Classification Committee was denying a lot of OPI Transfer Requests and getting people hurt. He said that he didn't want to be held liable if anything else happened to me - so I had to go one way or

another. I was immediately removed from OPI status and placed on Ad.Seg status (Administrative Segregation).

Documented:

A) on my Disciplinary Report and Hearing Record Form I-47 MA Case # 20160281695

10) On May 19, 2016 I asked officer Benny H. Boykin to contact Mr. Hamilton and let him know that I still needed to speak with him. Mr. Boykin sent him an E-mail with my message and (according to Mr. Boykin) Mr. Hamilton responded stating that he would speak with me soon - but he didnt. Mr. Boykin sent him another E-mail and Mr. Hamilton responded thanking him for the reminder and said that he needed to speak with me but was very busy' and would speak with me later - but he never did.

Documented:

A) on I-60 given to Safe Prisons Officer Leontyne Haynes on the Eastham Unit on February 8, 2016.

B) in my TDCJ-CID Safe Prisons PREA records - OPI of February 8, 2016 by Leontyne Haynes.

11) On or about June 13, 2016 I was transferred to the Telford Unit and placed in Ad. Seg.

12) Mr. Hamilton continued to ignore my I-60's, letters and the E-mails sent to him by Mr. Boykin.

13) I filed several grievances (at least 3) on the Telford Unit' reporting my abuse on the Boyd Unit and Mr. Hamilton's misconduct. But these grievances went unprocessed.

14) On September 15, 2016 I reported everything in this Memorandum (1-13) to TDCJ-SCC on the Telford Unit' but they just got mad at me and refused to do anything about it.

15) On September 15, 2016 I filed a Step 1 grievance appealing SCC's decision. I mentioned my abuse in this grievance (without focusing the whole grievance on it) and it was processed. But no investigation was conducted.

Documented:

A) on my TDCJ-Step 1 grievance #2017008169

16) On September 19, 2016 I filed an I-60 to Telford Unit's (MHMR) Mental Health Department informing them that I was going on a hunger strike - in protest of everything in this Memorandum (1-15).

Documented:

A) on my I-60 to the Telford Unit (MHMR)

B) in my TDCJ-CID Safe Prisons PREA records - OPI of March 2, 2017 by Susan A. Steel.

17) On November 10, 2016 I was transferred to the Eastham Unit. After I spoke with Kimberly Klock (Mental Health Manager) about my transgender status' I decided to pursue my report of abuse by James Brown and the misconduct of Mr. Hamilton. I sent Ms. Klock an I-60 with my report and requested Mental Health assistance with my depression. I also sent a copy of this I-60 to the unit's classification department. These I-60's were ignored. I filed several grievances again - but they went unprocessed. Ms. Klock later falsified documents claiming that I never reported my abuse to the Mental Health Department.

Documented:

A) on my TDCJ - Step 1 Grievance #2017079154

B) in my Medical / Mental Health records by Ms. Klock

18) On January 21, 2017 on the Eastham Unit' I filed Step 1 Grievance # 2017079154' and threatened to go around the Grievance Department' to Huntsville if they did not process this grievance. This grievance led to the first OPI (investigation) into my abuse by James Brown' and Mr. Hamilton's misconduct. But this OPI on February 8, 2017 was intentionally sabotaged by officer Leontyne Haynes and other officers / TDCJ officials in the unit's Safe Prisons PREA Program, (they falsely claimed that there was no prisoner in TDCJ by the name of James Brown). They then began to retaliate against me for reporting my abuse and Mr. Hamilton's misconduct.

Documented:

A) on my Disciplinary Report and Hearing Record Form I-47 MA Case # 20170190784

B) in my TDCJ-CID Safe Prisons PREA records - OPI of February 8, 2017 by Leontyne Haynes.

19) On February 28, 2017 on the Eastham Unit 'Ben Gardner of TDCJ-OIG conducted another investigation into my abuse. Mr. Gardner told me then that it was too late' because Mr. Hamilton failed to collect any information or evidence.

Documented:

A) in my TDCJ-OIG case #1700002448
Incident # I-02319-02-17.

20) On March 2, 2017 on the Eastham Unit 'Susan A. Steel the Unit Safe Prisons PREA Manager' was forced to conduct another investigation into my abuse due to her program intentionally sabotaging the first OPI on February 8, 2017. Ms. Steel then retaliated against me too.

Documented:

A) on my Disciplinary Report and Hearing Record Form I-47MA Case # 20170207590

B) in my TDCJ-CID Safe Prisons PREA records-OPI of March 2, 2017 by Susan A. Steel.

21) I have sent the Attorney General's office a motion for a subpoena directed at the Executive Director of TDCJ Bryan Collier' to obtain copies of my TDCJ records - documents and information related to this case. Most of these documents are described in this Memorandum. Once I obtain these copies I will submit them and others as evidence in this case.

Declaration

I declare under penalty of perjury that the foregoing is true and correct. Executed at 264 FM 3478 Rd. Huntsville Tx. 77320, on April 5, 2018.

Juan Javier Ornelas

Juan Javier Ornelas

TDCJ - CID # 01758617

Estelle (H.S.) Unit

264 FM 3478 Rd.

Huntsville, Tx. 77320

Certificate Of Service

I hereby certify that a copy of plaintiff's original Memorandum - Additional Facts has been served by regular mail upon Defendant Alexander Hamilton at his last known address P.O. Box 4003 Huntsville Tx. 77342, on the 5 day of April' 2018.

Juan Javier Ornelas

Juan Javier Ornelas

Ornelas, Juan # 1758617
Estelle unit
264 FM 3478
Huntsville TX 77320

Chief, U.S. District Court
Woodson, Michael
3600 Woodson Avenue, Houston
Texas, TX 77061

